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# FRONTENAC LOAN

AND

## Investment Society.

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[Constituted pursuant to Act of Parliament.]

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### Board of Directors:

THOMAS KIRKPATRICK,.....PRESIDENT.  
DR. HORATIO YATES,.....VICE-PRESIDENT.

HON. JOHN A. McDONALD, M. P. P.,	HON. ALEX. CAMPBELL, M. L. C.,
R. J. CARTWRIGHT, M. P. P.,	WM. G. HINDS, CASHIER B. U. C.,
JAMES MACNEE,	JOHN CREIGHTON, MAYOR.
RYBERT KENT,	

### Bankers:

THE COMMERCIAL BANK OF CANADA.

A. J. McDONELL,.....SOLICITOR.  
THOMAS BRIGGS,.....MANAGER.

KINGSTON, C. W.

1863.

THE  
LIBRARY  
OF THE  
MUSEUM OF  
COMPARATIVE ZOOLOGY  
AT HARVARD UNIVERSITY  
Cambridge, Mass.  
U.S.A.

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## RULES AND REGULATIONS.

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### I.

#### NAME AND OBJECTS OF THE OFFICE.

This Society shall be called the "FRONTENAC LOAN AND INVESTMENT SOCIETY," and the intents and purposes for which it is established are, to assist the members thereof in the erection or purchasing one or more dwelling-house or houses, or for any other purpose whatsoever; and to enable them to receive the amount of their shares in advance, upon furnishing good mortgage security; and to provide, for those who do not require advances, a safe and remunerative method of investing small sums of money.

### II.

#### UNADVANCED SHARES—MODE AND TIME OF PAYMENT.

The Capital Stock of the Society shall consist of the unadvanced shares of the members thereof, either fully paid up and invested as fixed or permanent Capital, or in course of accumulation. Each member shall pay thereon in advance, a monthly subscription of two dollars, in quarterly payments of *six dollars* per share, during the full term of two years; or such other sum as the Directors may from time to time determine, according to the number of years granted for monthly or periodical payments on each share, to commence and be paid on and from the first day of any month in or after which he shall be admitted in respect of each share; and shall also pay, on entering, a deposit of two dollars per share, making the total payments on each unadvanced share *fifty dollars*. After each share shall have been fully paid up, the amount so paid, with the net accumulated profits thereon, shall be due and payable to the holder thereof, and the said shares may then either be withdrawn from the Society or invested therein as fixed or permanent capital.

### III.

All persons upon taking stock in the Society shall sign the rules, in a book to be kept for that purpose, and shall then

elect the term in which such share or shares shall be paid up. The time for which shares may have been originally taken up, may on the application of the holder thereof, be changed to any other time on such terms as the Directors may from time to time determine. And the Directors shall have the power from time to time to limit the number of new shares taken, or to charge a premium thereon, such premiums to form a part of the general funds of the Society.

#### IV.

Periodical subscriptions and all re-payments, fines and other payments, shall be paid at the Society's Office, on the first day of the month in the quarter on which such falls due, or when the first day falls on Sunday or a legal holiday, then on the day following, until otherwise ordered by the Directors.

#### V.

##### SHAREHOLDERS PAYING IN ADVANCE.

Shareholders making an immediate deposit of money for the purpose of meeting in advance their periodical dues, shall be allowed interest on the amount so deposited, or so much thereof as shall remain after deducting instalments due, at the rate of six per cent. per annum, or such lower or higher rate as the Directors may from time to time determine; or shareholders paying any certain number of periodical subscriptions in advance, may, with the consent of the Directors, be allowed a like number of additional months' credit without being subject to fines.

#### VI.

##### POWER TO BORROW OR RECEIVE MONEY ON DEPOSIT.

The Directors are authorised to borrow money on the assets of the Society, or to issue debentures; to receive money on deposit in large or small sums, and to pay such interest therefor, and under such regulations as they may, from time to time, deem advisable; and to loan or invest such money, either on mortgage or real estate, or in any other way they may think best for the interests of the Institution, so long as in accordance with the Building Society's Act.

#### VII.

##### APPLICATION OF FUNDS.

All moneys which shall from time be subscribed, paid or

given to, or for the use or benefit of the Society, or which shall in anywise belong to the Society, shall, after providing for the payment of the expenses and liabilities of the Society, be appropriated and applied in paying off such shares as shall have become due and payable to the holders thereof, in the purchase of such shares as members may desire to withdraw, and in loans or advances to the several members. Should the funds of the Society not be taken up by the members at the usual rates charged by the Directors, such funds may be otherwise invested for the benefit of the Society at the discretion of the Directors, of which members may, nevertheless, avail themselves.

### VIII.

#### DIVISION OF PROFITS.

The financial position of the Society shall be ascertained on the last day of December, in each year, and the profits and losses shall then be apportioned equitably and equally between the investing members, in proportion to the value of their shares, and the time for which they shall have been members, in respect thereof. But, if the Directors shall consider it for the advantage and well-being of the Society to set apart a portion of such profits for contingencies, they shall have the power to do so, and the same shall form a part of the general funds of the Society. Such portion of the net profits thus ascertained and apportioned as shall appertain to shares which shall not have been fully paid up, shall be placed to the credit of such shares, to be payable together with the principal sum on their becoming due, and such portion of the net profits, thus ascertained and apportioned, as shall appertain to shares which shall have been fully paid up and invested as fixed or permanent capital or shares in the Society shall be payable to the holder of such share or shares. And if the Directors shall in their discretion see fit to declare a dividend at a semi-annual period, or to make a less reservation for contingencies on shares which, when paid up, shall be invested as fixed or permanent capital, than on such shares, as when paid up or due, are withdrawn from the Society, they shall have the power to do so. And on shares becoming due during the currency of any year, the same proportion of profits shall be payable, as would have been paid at the date of the previous annual statement, unless in the opinion of the directors, there are circumstances which render advisable an increased or decreased amount.

## IX.

## TRANSFER OF SHARES.

Any shareholder may transfer his share or shares by causing an entry of such transfer to be made in the books of the Society, in such manner as the Directors may appoint, and upon payment of the sum of fifty cents for each transfer, and thereupon the transferee (after signing the rules) shall be entitled to all the privileges of the original shareholder.

## X.

## WITHDRAWAL OF SHARES.

Any member being desirous of withdrawing from the Society, part or the whole of his unadvanced shares, provided such shares shall not have been invested as fixed or permanent capital, may, at the discretion of the Directors, be allowed to do so, and may receive back the net amount of his periodical subscriptions paid up, with interest at six per cent. per annum, deducting any fines, interest, or forfeiture due or paid thereon. Provided that no member shall be entitled to receive interest on any share on which less than six monthly subscriptions shall have been paid. But the Directors may pay a higher rate of interest than six per cent. to members withdrawing, if they think it advisable to do so.

## XI.

## MODE OF OBTAINING AN ADVANCE OF MONEY.

Any member entitling himself to an advance of a share or shares, shall give notice in writing, to the Secretary, of the situation, tenure, description, and full particulars of the property proposed to be mortgaged by such member to the Society in such form as the Directors shall prescribe; and shall deposit with the Secretary all necessary title deeds and documents relating thereto, and also such sum as the Secretary may consider requisite to meet any necessary expenses. Should any Shareholder decline to take up the amount awarded him, or fail to complete the necessary securities to the satisfaction of the Directors within one month, such member shall pay a fine of fifty cents per share, whether any deposit has been made or not; and the Directors may otherwise dispose of the money granted to such member.



## XII.

## ADVANCES—HOW MADE, AND ON WHAT SECURITY.

The Directors shall have the power to regulate the amounts applicable for advances, the time and manner of making the same, the interest and bonus payable thereon, and at the time and amount of the re-payments to be made in respect thereof. The re-payments on advanced Shares shall be for a fixed period, in respect of each share, and shall not be liable to the contingency of losses or profits in the business of the Society, and after a share has been advanced to any member, he shall take no part in the management of the affairs of the Society in respect thereof.

## XIII.

The Directors may accept property situated anywhere within the limits of that part of the Province formerly Upper Canada, or the unadvanced shares of any member of the Society, as security for loans.

## XIV.

All mortgage deeds and securities to the Society shall be prepared in such form, and contain such clauses, provisoes and agreements as the Solicitors for the Society shall think fit, with the approval of the Directors; and that in case the mortgagor shall at any time or times neglect or refuse to pay his re-payments, fines, fees, or other payments, for the space of *three months*, then the Directors may, either with or without the concurrence of the mortgagor, appoint a person or persons, with such salary or commission as they may think proper, to collect the rents and profits of the mortgaged premises; with the same power of enforcing payment as the mortgagor himself may possess; also, power to sell and dispose of such premises, by public auction, or private sale, when the Directors shall think proper. And that in case the mortgagor shall be himself the actual occupier of such mortgaged premises, then the mortgage deed may contain stipulations that he shall become tenant to the Society, at a fair rent, to be named in such deed; and the Directors shall have power to distrain as between landlord and tenant. And the Directors shall have the power to make such arrangements for the repairing or keeping in repair, or for finishing or putting in order any out-buildings or other improvements, or for taking care of, and managing generally, the mortgaged property, as they shall deem expedient; and all charges or



expenses attending the same, shall be paid by the mortgagor, and shall be a charge upon the mortgaged property. And when any sale shall take place of any property mortgaged to the Society, the Directors shall have power to retain and apply so much of the purchase money as will be necessary to pay the same sum as would be required to redeem the property, pursuant to the provisions contained in these rules; together with all other payments, moneys and expenses due to the Society, and to pay the surplus thereof to the mortgagor.

## XV.

### INSURANCE OF MORTGAGED PREMISES.

All property, secured to the Society, consisting of buildings, shall be insured by the mortgagor, if required by the Directors, in such sum and office as they shall think advisable; and the policy or policies shall be in the name of, or shall be assigned over to the Society. In case any member, having executed a mortgage to the Society, shall make default in payment of the expenses which may be incurred, in and about insuring, and keeping insured, the mortgaged premises, or of the ground rent or other payments to which the said property may be subject, pursuant to the covenant in the mortgage deed, he shall pay a fine of one dollar; and if default shall continue beyond one month, he shall pay in addition such fine as he would have incurred for the non-payment of an equal amount of re-payments, at the time appointed for the payment thereof: the Society not to be responsible for any consequences arising from any omission in the payment of the premium, or other payment due on any Policy of Insurance.

## XVI.

Every member executing a mortgage to the Society shall, if required at the time of such execution, give to the Secretary a written statement of all such particulars relating to the property comprised in such mortgage, as are usually required by Insurance Companies; and if at any subsequent period any trade shall be commenced, or erection made, or other matter or thing shall take place which would in any

way affect the validity of the Policy of Insurance, the like statement shall be given ; and the member neglecting to give such statement shall pay a fine, at the discretion of the Directors, of not more than twenty-five cents, but not less than three cents per week for each share ; and the Directors shall, if they think fit to do so, at least once in every year, appoint some competent person to obtain all the information he can with respect to trades, &c., carried on in and about the mortgaged premises, and to report to the Directors accordingly.

#### XVII.

In case of damage by fire, the Directors shall receive, from the Insurance Office, the amount payable in respect of such damage ; and the receipt of the Treasurer of the Society shall be a sufficient discharge, to the Insurance Office, for the money therein expressed to be received ; and the Directors shall have full power to settle and adjust with the Insurance Office any question relating to such insurance, and to accept the amount to be paid by the Insurance office, in respect to the damage done to the premises ; or to make such arrangements with the Insurance Office as to the rebuilding or repairing of the said premises, or relating thereto, as the Directors shall think reasonable.

#### XVIII.

The Directors shall, at their discretion, either lay out the money which shall be received from any Insurance Office as aforesaid, or any part thereof, in repairing the damage done to the premises ; or retain and apply the same, or such part thereof, as they shall think fit, in or towards payment and satisfaction of the amount which shall be due from the mortgagor to the Society, and pay the surplus, if any, to the mortgagor, or to such other person as he shall (by writing) direct to receive the same.

#### XIX.

##### SALE, EXCHANGE, OR REDEMPTION OF PROPERTY MORTGAGED.

If any member who shall have executed a mortgage to the Society, shall desire to sell the mortgaged property, subject to the mortgage, he shall be at liberty to do so, with the consent of the Directors, upon first duly transferring the shares secured by such mortgage, to the intended purchaser,

in manner provided by these rules ; and upon such transfer being completed, and all arrears due to the Society, from the mortgagor, being paid, and the conveyance to the purchaser executed, such purchaser shall thenceforth become liable to pay all re-payments payable in respect of such shares ; and the Directors may grant to the original mortgagor, and at his cost and charges, a release from all future liability in respect thereof.

## XX.

It shall be lawful for any member having executed a mortgage in favor of the Society, to substitute at his own expense, and subject to the approval of the Directors, any other property, as security to the Society, in lieu of the property originally mortgaged.

## XXI.

If any member shall desire to have his property discharged from a mortgage to the Society, before the expiration of the full term for which it has been taken, he shall be allowed to do so on payment of all re-payments, and any fines, fees, and other sums due in respect thereof, up to the time of the redemption of such mortgage, and of the present value of the future re-payments, calculated to the end of the term, and discounted at such rate of Interest, and on such terms as the Directors may determine.

## XXII.

On the redemption of any security by a member, or when all repayments have been made by him on advances pursuant to these rules, a full discharge of such security shall be executed, and the same shall be delivered to such member, with all other deeds and documents deposited by him in connexion with such security ; and such discharge shall be prepared, and the necessary signatures obtained, and any matters relating thereto transacted, by the Solicitor to the Society, at the expense of such member.

## XXIII.

## FINES.

The fines for the non-payment of the periodical or other repayments or subscriptions on advanced or unadvanced shares on the day on which the same are made payable by the rules of the Society, or of any other moneys whatsoever, due and

payable by any member, shall be at the rate of *two cents* in the dollar per month on the amount due, and the same shall accrue and be payable immediately after the periodical subscription day, and shall be chargeable to such member until all arrears are paid. When the fines on unadvanced shares equal the amount of subscriptions paid thereon, such share or shares, and the interest of any member in respect thereof, shall be forfeited to the Society. Provided, that after any share shall be in default, the Directors shall have power to recover from such shareholder the amount due to the Society by an action of debt in any court of competent jurisdiction.

## XXIV.

## \*BANKING ARRANGEMENTS.

The Directors may make such arrangements with any of the Chartered Banks doing business in the City of Kingston, for the deposit of moneys and securities belonging to the Society, and for conducting other financial matters, as they shall, from time to time, deem necessary.

## XXV.

No moneys shall be drawn from the Bank without the signature of the President, (or in case of his absence, or illness, of the Vice-President,) and of the Treasurer.

## XXVI.

## GENERAL MEETINGS.

A General Annual Meeting of the members shall be held at the office or rooms of the Society, or such other place as the Directors may appoint, on the third Wednesday in the month of March in each year, for the purpose of electing three Directors to serve in place of the ones retiring, and for all other general purposes relating to the management of the Society; and at each of the said General Annual Meetings shall be submitted a full and clear statement of the affairs of the Society for the year ending on the last day of December previous.

## XXVII.

Extra General Meetings of the members of the Society may be called by the Directors, upon the members being notified of such meeting through the Post Office, or otherwise, at the discretion of the Directors. Any ordinary or special meeting

of the members or Directors may be adjourned, from time to time, and such business may be transacted at such adjourned meetings as might have been transacted at the original meetings from which the adjournment took place.

## XXVIII.

### VOTING.

The election of Directors shall be by ballot, and at such election, any member either personally present or represented by any other member as his proxy, shall be entitled to one vote for each share. That no member shall vote at the election of Directors or on any other question in respect of any shares within three months after he shall have been admitted in respect thereof, and on which less than three monthly instalments shall have been paid.

## XXIX.

All questions at the Annual or other General Meetings of the Society, except the election of Directors as before mentioned, and except as provided by Statute, shall be decided by a majority of the members holding unadvanced shares, either in person or by some other member as his proxy represented at the meeting; the Chairman of any meeting, either of the Directors or members, to have a casting vote in addition to his vote as member or Director.

## XXX.

### DIRECTORS.

That the management of the Society shall be vested in nine Directors, appointed at the General Meeting, three of whom shall retire at each Annual Meeting, but be eligible to be re-elected.

### ROTATION OF DIRECTORS.

That three Directors shall retire every Annual Meeting, and that they shall retire in rotation, according to their seniority in office, each Director ranking from the date of his last appointment; except that any Director, who shall be appointed to supply an accidental vacancy, shall in all cases be deemed to occupy the place and rank of the Director to whom he may succeed.

No Director shall hold the office of Treasurer, Secretary, Solicitor, or Surveyor of the Society.

## XXXI.

The Directors elected at the formation of the Society, or hereafter to be elected, shall continue in office till the election of their successors, unless in case of disqualification or resignation.

## XXXII.

The Directors shall, at a special meeting to be called for that purpose, or at any other meeting, if all the remaining Directors be present, have power to fill up any vacancy that may arise in their own body, or in any office of the Society, by a vote of not less than two-thirds of the Directors present; and the Board shall have power to make any By-Laws and Regulations for the guidance of the Society, its Officers, Agents, and Shareholders, provided that such regulations are not inconsistent with the general rules or the Acts under which the Society is incorporated.

## XXXIII.

In the absence of both the President and Vice-President, the Directors present, at any meeting of the Board, shall have power to appoint a Chairman, pro. tem., and with such Chairman shall be competent to transact the business of the Society, four of whom shall be a quorum.

## XXXIV.

If any Director shall die, or resign, or become incapable to act as Director, or become bankrupt, or insolvent, or compound with his creditors, or cease to hold the required number of unadvanced shares, or be removed from his office by a resolution of a special general meeting of the members, or shall for three months successively be absent from the meetings of the Board, without the consent of the Directors, he shall thereupon cease to be a Director of the Society; and the Directors may appoint another member of the Society to be a Director in his place, as hereinbefore provided; and no Director shall, at any meeting of the Board, take part in any discussion, or vote on any question in which he shall be personally interested.

## XXXV.

The Directors shall be paid the sum of two dollars each for each Board or Committee Meeting they may respectively

have attended on the business of the Society, and shall be indemnified out of the funds of the Society, or otherwise, from all expenses in reference to the formation, conduct, and management of the Society.

## XXXVI.

## SOLICITORS.

One or more Solicitors shall be appointed by the Directors, who shall transact such necessary business of the Society as the Directors may require, for which he shall receive a fair and reasonable allowance as ordered by the Directors.

## • XXXVII.

The Solicitor shall investigate the title to any property offered by any member as security to the Society, and shall, in all cases, render to the Directors a report in writing, whether such title be deemed by him good and sufficient for the purposes of the Society; and shall prepare all necessary mortgage deeds and instruments in favor of the Society.—The Solicitor's and Surveyor's fees and other charges, shall, in all cases, be paid by the member on whose account they may be incurred.

## XXXVIII.

## SECRETARY AND TREASURER.

The Directors shall appoint a Treasurer and Secretary, but if in their opinion one person can perform the duties of both Secretary and Treasurer, they may appoint one person to fill both offices. The Treasurer shall be empowered to receive and pay all moneys for and on behalf of the Society, and his receipt shall, in all cases, be a sufficient discharge; and he shall deposit with the Bank all moneys as he shall have on hand when they amount to one hundred dollars. The Secretary shall attend all meetings of the Directors or members of the Society; enter minutes of all proceedings in the minute book, and shall keep the accounts in order, in proper books to be provided for that purpose, and prepare the same or a balance sheet thereof, for the inspection and signature of the Auditors. He shall summon the Directors to all meetings (by circular), and issue all circulars and notices to members which may, from time to time, be thought necessary by the Directors, and perform all other duties that the nature of his office may require.

## XXXIX.

The Directors may, from time to time, at any of their usual



meetings, appoint such persons as they think proper, to be officers of the Society; grant such salaries and emoluments as they deem fit, and pay the necessary expenses attending the management of the Society; and may, from time to time, discharge such persons, and appoint others in the room of those who vacate, die, or are discharged; and may pay the President of the Society such sum per year as they may consider right.

#### XL.

The proceedings of the Society shall be entered in a minute-book, in detail, in such manner as the Directors may, from time, direct; such entries to be signed by the President, Vice-President or Chairman, as well as by the Secretary and Treasurer.

#### XLI.

##### SURVEYORS.

One or more Surveyors may, from time to time, be appointed, who shall survey and examine the property offered by any member of the Society, if the Directors shall consider it necessary, and shall, in all cases, render, at the Society's Office, a report in writing, to the Directors, of the value and state of such property, in such form as the Directors shall prescribe, and who shall be paid such fees as the Directors shall think reasonable.

#### XLII.

##### CHANGE OF OFFICERS.

Neither the Solicitor, nor Secretary and Treasurer, shall be removed from their respective offices except for misconduct or inability, and then only at a meeting specially convened for that purpose, and by a majority of the whole Board of Directors.

#### XLIII.

##### WHEN AND HOW THE SOCIETY MAY BE DISSOLVED.

No dissolution of this Society shall take place unless its affairs be deranged, or its principles prove inadequate to promote its objects, or its funds be insufficient to meet the claims, or from any other such cause, rendering the dissolution absolutely necessary, and then only by a vote of at least

two-thirds of the members present, either in person or by proxy, at a special general meeting to be called for that purpose.

#### XLIV.

##### TRUST.

This Society shall not be bound to see to the execution of any *Trust*, whether expressed, implied, or constructive, to which any share or shares of its stock may be subject; and the receipt of the party in whose name any such share or shares stand in the books of the Society, or if such share or shares stand in the name of more parties than one, the receipt of one of the parties shall, from time to time, be a sufficient discharge to the Society for any payment of any kind made in respect of such share or shares, may then be subject, and whether or not this Society has had notice of such Trust; and the Society shall not be bound to see to the application of the money paid upon such receipt. 22 Vict., Cap. 53, Sec. 42.

#### XLV.

##### ENTRANCE.

Every member on admission shall pay an entrance fee of 1s. (20 cents) per share, together with 25 cents for a printed copy of the Rules and Subscription Book, which Subscription Book shall be produced with every payment, for the purpose of entering said payment therein.

#### XLVI.

##### CONSTRUCTION OF RULES.

That in the practical application of these rules, or any rules hereafter to be made by virtue thereof, the construction put upon them by the Committee of the Society, shall be final and conclusive.

That a word in the singular number shall be applicable to the plural; and the term "his" or "her" shall apply to a female as well as a male, unless there be something in the subject matter, or context, repugnant to such construction.

Non-Participating Shares are such as have received advances, on the terms specified in rules 14 and 15 for non-participating shares; all others are participating shares, and entitled to a share in the profits.

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